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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,383	04/02/2001	Paul A. Smethers	3399P033	1634

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EXAMINER

TRAN, MYLINH T

ART UNIT	PAPER NUMBER
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2179

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,383

Applicant(s)

SMETHERS ET AL.

Examiner

Mylinh Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 40-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35

U.S.C.121:

Group I. Claims 1-25, drawn to a method of displaying dual browser/application menu, classified in class 345, subclass 810.

Group II. Claims 26-39, drawn to a method of plurality of display screen of hyperlinked content, classified in class 345, subclass 805.

Group III. Claims 40-81, drawn to a method of displaying a plurality of user editable controls on the display, classified in class 345, subclass 808.

Group IV. Claims 82-91, draw to a method of displaying a plurality of rows having a plurality of user cells, classified in class 345, subclass 700.

Group V. Claims 92-99, draw to a method of markup language, classified in class 345, subclass 760.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, III, IV and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case, invention I has separate utility such as displaying dual browser/application menu (invention I); plurality of display screen of hyperlinked content (invention II); displaying a

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plurality of user editable controls on the display (invention III); displaying a plurality of rows having a plurality of user cells (invention IV); and markup language based screen on the display (invention V). See MPEP § 806.05(d).

During a telephone conversation with Mr. Jordan Becker on May 20th, 2004, a provisional election was made without traverse to prosecute the invention of group III, claims 40-81. Affirmation of this election must be made by applicant in replying to this Office Action. Claims 1-39 and 82-99 withdrawn from further consideration by the Examiner, 37 CFR 1.142 (b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under CFR 1.17(i).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States

before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 40, 43, 47 and 50 are rejected under 35 U.S.C. 102(e) as being anticipated by Humpleman et al. [US. 6,198,479].

As to claims 40 and 47, Humpleman et al. discloses a processor; a display; and a storage device having a browser stored therein, which, when executed by the processor, displays a dual browser/ application menu on the display (column 2, lines 52-65 and column 7, lines 12-34); a plurality of icons arranged in a row, each of the icons representing a different browser-specific function (column 3, lines 12-34); and a plurality of substantially text-based items arranged in a list in proximity to, but oriented differently from, the plurality of icons, each of the substantially text based items representing a different application-specific function (column 4, lines 20-30 and column 13, lines 1-14). Humpleman also teaches receiving a user input for editing one of the controls and in response to a single user input indicating that editing of one of the controls being completed (column 8, lines 1-35); places one of the controls in an editable mode to enable editing of the control by a user (column 7, lines 12-35).

As to claims 43 and 50, Humpleman et al. also provides next one of the controls being the control which is located closest to said one of the controls on the display (column 20, lines 45-65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 41-42, 44-46, 48-49 and 51-81 rejected under 35 U.S.C. 103(a) as being unpatentable over Humpleman et al. in view of Dow et al. [US. 6,232,973].

As to claim 41, Humpleman et al. discloses a processor; a display; and a storage device having a browser stored therein, which, when executed by the processor, displays a dual browser/ application menu on the display (column 2, lines 52-65 and column 7, lines 12-34); a plurality of icons arranged in a row, each of the icons representing a different browser-specific function (column 3, lines 12-34); and a plurality of substantially text-based items arranged in a list in proximity to, but oriented differently from, the plurality of icons, each of the substantially text based items representing a different

application-specific function (column 4, lines 20-30 and column 13, lines 1-14). Humpleman also teaches receiving a user input for editing one of the controls and in response to a single user input indicating that editing of one of the controls being completed (column 8, lines 1-35); places one of the controls in an editable mode to enable editing of the control by a user (column 7, lines 12-35). Humpleman et al. fail to teach wherein if the next one of the controls being not currently visible on the display, the display being automatically scrolled to place said next one of the controls in view in the editable mode in response to said single user input. However, Dow et al. shows the limitation at column 10, lines 35-55. It would have been obvious to one of skill in the art, at the time the invention was made, to combine Humpleman's teaching of the plurality of icons arranged in a row to Dow et al. Motivation of the combining is to save a single input for users by automatically scroll to place a next control.

As to claims 42 and 49, Humpleman et al. teach plurality of icons arranged in a row, each of the icons representing a different browser-specific function (column 3, lines 12-34); and a plurality of substantially text-based items arranged in a list in proximity to, but oriented differently from, the plurality of icons, each of the substantially text based items representing a different application-specific function (column 4, lines 20-30 and column 13, lines 1-14). Humpleman also teaches receiving a user input for editing one of the controls and in response to a single user input indicating that editing of one

of the controls being completed (column 8, lines 1-35); places one of the controls in an editable mode to enable editing of the control by a user (column 7, lines 12-35). Humpleman et al. fail to clearly teach the radio buttons. However, in the same field of a wireless communication device, Dow et al. teach plurality of radio buttons at column 5, lines 20-30. It would have been obvious to one of skill in the art, at the time the invention was made, to combine Humpleman's teaching of the plurality of icons arranged in a row to Dow et al. Motivation of the combining is to offer user more selections to operate on the wireless communication device.

As to claims 44 and 51, Humpleman et al. discloses a processor; a display; and a storage device having a browser stored therein, which, when executed by the processor, displays a dual browser/ application menu on the display (column 2, lines 52-65 and column 7, lines 12-34); a plurality of icons arranged in a row, each of the icons representing a different browser-specific function (column 3, lines 12-34); and a plurality of substantially text-based items arranged in a list in proximity to, but oriented differently from, the plurality of icons, each of the substantially text based items representing a different application-specific function (column 4, lines 20-30 and column 13, lines 1-14). Humpleman also teaches receiving a user input for editing one of the controls and in response to a single user input indicating that editing of one of the controls being completed (column 8, lines 1-35); places one of the controls in an editable mode to enable editing of the control by a user

(column 7, lines 12-35). Humpleman et al. fail to clearly teach the one of the controls including a plurality of user-selectable items that can be sequentially highlighted in response to user inputs. However, Dow et al. teach the feature at column 9, lines 15-43. It would have been obvious to one of skill in the art, at the time the invention was made, to combine Humpleman's teaching of the plurality of icons arranged in a row to Dow et al. Motivation of the combining is to help users notice which item being selected.

As to claim 45 and 53-54, Humpleman et al. fail to clearly teach the radio buttons. However, in the same field of a wireless communication device, Dow et al. teach plurality of radio buttons at column 5, lines 20-30. It would have been obvious to one of skill in the art, at the time the invention was made, to combine Humpleman's teaching of the plurality of icons arranged in a row to Dow et al. Motivation of the combining is to offer user more selections to operate on the wireless communication device.

As to claim 46, Humpleman et al. also provides next one of the controls being the control which is located closest to said one of the controls on the display (column 20, lines 45-65).

As to claims 48 and 52, Humpleman et al. fail to teach wherein if the next one of the controls being not currently visible on the display, the display being automatically scrolled to place said next one of the controls in view in the editable mode in response to said single user input. However, Dow et al. shows the limitation at column 10, lines 35-55. It would have been obvious to

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one of skill in the art, at the time the invention was made, to combine Humpleman's teaching of the plurality of icons arranged in a row to Dow et al. Motivation of the combining is to save a single input for users by automatically scroll to place a next control.

As to claims 55-56, 65 and 74, Humpleman et al. teach plurality of icons arranged in a row, each of the icons representing a different browser-specific function (column 3, lines 12-34); and a plurality of substantially text-based items arranged in a list in proximity to, but oriented differently from, the plurality of icons, each of the substantially text based items representing a different application-specific function (column 4, lines 20-30 and column 13, lines 1-14). Humpleman also teaches receiving a user input for editing one of the controls and in response to a single user input indicating that editing of one of the controls being completed (column 8, lines 1-35); places one of the controls in an editable mode to enable editing of the control by a user (column 7, lines 12-35). Humpleman et al. fail to clearly teach a menu.

However, in the same field of a wireless communication device, Dow et al. teach feature at column 2, lines 55-65. It would have been obvious to one of skill in the art, at the time the invention was made, to combine Humpleman's teaching of the plurality of icons arranged in a row to Dow et al. Motivation of the combining is to offer user more selections to operate on the wireless communication device.

As to claims 57, 66 and 75, Humpleman et al. fail to teach the controls being currently in one of the plurality of editing modes, the menu, includes a plurality of items that are selectable to allow the user to switch between the plurality of editing modes. However, Dow et al. shows the controls being currently in one of the plurality of editing modes, the menu, includes a plurality of items that are selectable to allow the user to switch between the plurality of editing modes at column 9, lines 20-50. It would have been obvious to one of skill in the art, at the time the invention was made, to combine Humpleman's teaching of the plurality of icons arranged in a row to Dow et al. Motivation of the combining is offer users multiple choices of editing modes.

As to claims 58-59, 62-63, 67, 71-72, 76 and 80-81, Humpleman shows the second soft key visually indicates which of the plurality of editing modes is currently selected (column 2, lines 52-60).

As to claims 60, 64, 69, 73, 78, Humpleman et al. teach plurality of icons arranged in a row, each of the icons representing a different browser-specific function (column 3, lines 12-34); and a plurality of substantially text-based items arranged in a list in proximity to, but oriented differently from, the plurality of icons, each of the substantially text based items representing a different application-specific function (column 4, lines 20-30 and column 13, lines 1-14). Humpleman also teaches receiving a user input for editing one of the controls and in response to a single user input indicating that editing of

one of the controls being completed (column 8, lines 1-35); places one of the controls in an editable mode to enable editing of the control by a user (column 7, lines 12-35), Humpleman shows the second soft key visually indicates which of the plurality of editing modes is currently selected (column 2, lines 52-60). Humpleman et al. fail to clearly teach the menu including plurality of item. However, in the same field of a wireless communication device, Dow et al. teach plurality of radio buttons at column 5, lines 20-30. It would have been obvious to one of skill in the art, at the time the invention was made, to combine Humpleman's teaching of the plurality of icons arranged in a row to Dow et al. Motivation of the combining is to offer user more selections to operate on the wireless communication device.

As to claim 61 and 79, Dow et al. also teaches wherein the content of the menu being dependent upon a current context of the display (column 3, lines 15-30).

As to claim 68 and 77, Humpleman et al teaches the second softkey visually indicating which of the plurality of controls is currently in an editing mode (column 2, lines 52-60).

As to claim 70, Humpleman et al. also does not teach icons being horizontal. However, Dow et al. teaches the feature at column 9, lines 17-45. It would have been obvious to one of ordinary skill in the art, having the teachings of Humpleman et al. and Dow et al. at the time the invention was made to modify the plurality of icons as taught by Humpleman et al., to include the

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menu of Dow et al., in order to allow the user to be easily selecting application functions by displaying icons horizontally as taught by Dow et al.

Conclusion

The Supplemental Office Action was done and ready to mail back on October 04 right after speaking with Mr. Becker. However, The Examiner has apology Mr. Becker for not receiving the Office Action on time during a mailing process.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (571) 272-4141. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM.

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Heather Herndon, can be reached on (571) 272-4136.

Mylinh Tran

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BA HUYNH
PRIMARY EXAMINER